

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NORTH CHINA SHIPPING LIMITED,

Plaintiff,

v.

KC CORPORATION,

Defendant.
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08 Civ. 10806 (SHS)

**ORDER FOR THE DEPOSIT OF FUNDS IN
AN INTEREST BEARING ACCOUNT IN
THE CUSTODY OF THE CLERK OF THE COURT**

WHEREAS, on December 12, 2008, NORTH CHINA SHIPPING LIMITED ("Plaintiff") instituted the within action seeking, *inter alia*, the attachment of assets of KC CORPORATION ("Defendant"), within this district pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and

WHEREAS, on or about December 12, 2008 this Court granted an order of attachment against Defendant's property in the amount of \$823,509.63, and pursuant thereto Plaintiff served Process of Maritime Attachment and Garnishment within this district (the "PMAG"), and

WHEREAS, pursuant to the service of the PMAG upon various garnishees, ABN Amro Bank has confirmed that it is holding funds belonging to Defendant in the total amount of \$12,685.45,

Deutsche Bank has confirmed that it is holding funds belonging to Defendant in the total amount of \$625,990.00, and JPMorgan Chase has confirmed that it is holding funds belonging to Defendant in the total amount of \$184,831.18 (the "Attached Funds"); and

WHEREAS, this Court has directed that the Attached Funds should be deposited in an interest bearing account in the custody of the Clerk of the Court pending further order of this Court,

THEREFORE, it is hereby Ordered that:

1. Garnishee ABN Amro Bank shall promptly wire transfer \$12,685.45 to the account of the Clerk of the United States District Court for the Southern District of New York at the United States Treasury, ABA number 021030004, Agency Location Code 4654, referencing "North China Shipping Limited v. KC Corporation, Docket Number 08 Civ. 10806 (SHS)", and

2. Garnishee Deutsche Bank shall promptly wire transfer \$625,990.00 to the account of the Clerk of the United States District Court for the Southern District of New York at the United States Treasury, ABA number 021030004, Agency Location Code 4654, referencing "North China Shipping Limited v. KC Corporation, Docket Number 08 Civ. 10806 (SHS)", and

3. Garnishee JPMorgan Chase shall promptly wire transfer \$184,831.18 to the account of the Clerk of the United States District Court for the Southern District of New York at the United States Treasury, ABA number 021030004, Agency Location Code 4654, referencing "North China Shipping Limited v. KC Corporation, Docket Number 08 Civ. 10806 (SHS)", and

4. Upon transfer of the Attached Funds in accordance with this Order and furnishing copies of the transfer instructions to the attorneys for the Plaintiff, ABN Amro Bank, Deutsche Bank, and JPMorgan Chase shall be relieved of all responsibility in this matter, and

5. Upon receipt of the Attached Funds the Clerk of this Court shall invest the entire amount in an interest bearing account pending further order of this Court, and

6. The Clerk of this Court is directed to deduct from the income on the investment a fee equal to ten percent (10%) of the income earned, but not exceeding the fee authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office, and

7. Directly after service of this Order on the Clerk of this Court and his Financial Deputy pursuant to Local Civil Rule 67.1 (a), the attorney for the Plaintiff shall cause a copy of this Order to be served on ABN Amro Bank, Deutsche Bank, and

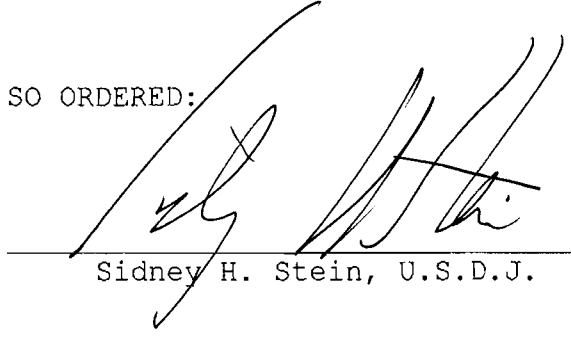
JPMorgan Chase and the said attorney shall provide proof of service on ABN Amro Bank, Deutsche Bank, and JPMorgan Chase to this Court, and

8. This case shall be dismissed without prejudice, subject to reopening upon the request of either party to the Court, for purposes of effectuating the release of the deposited funds from the Clerk of this Court as set forth below, and

9. The deposit shall remain in the custody of the Clerk of this Court pending the issuance of a judgment of this Court in favor of Plaintiff and against Defendant, or pending other stipulation executed by both parties and so ordered by this Court or until such time as this Court orders the release of said funds pursuant to application by either party.

Dated: New York, New York
July 13, 2009

SO ORDERED:



Sidney H. Stein, U.S.D.J.